

REMARKS

Claims 20 through 24 and 31 through 34 are in the case. Claims 20 through 24 and 31 through 34 are amended by this response. Claims 15 through 19 and 25 through 30 are cancelled by this amendment.

Claims 20-25 and 31-34 are rejected under 35 U.S.C. 112, first paragraph because the specification is not enabling for temperature sensitive and temperature insensitive ingredients other than herbs and spices. The claims have been amended to claim temperature sensitive *herbs and/or spices* and temperature insensitive *herbs and/or spices*.

Claims 20-25 and 31-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 20, which recites the limitation “after mixing same with the first batch in the aqueous solution in combination with the inherent taste and odor of staple ingredients...”, applicant submits that the scope of this claim is clear to one skilled in the art regardless of whether the staple ingredients are included within the package. One skilled in the culinary would know that meal must include more than just herbs and spices, i.e., staple ingredients and would know to provide such staple ingredients if these staple ingredients were not included within the package.

Applicant also submits that one skilled in the culinary arts would know that “the inherent taste and odor of staple ingredients” must include the staples ingredients themselves. With respect to claim 31, in lines 11-12, claim 31 specifically states that the staple ingredients are included in at least one of the two packages.

The phrase “high gustatorial quality” has been cancelled from the claims.

The Examiner has stated that claims 20, 25 and 31 are unclear because the claims require heating the temperature sensitive and the temperature insensitive ingredients. Applicants submit that one skilled in the culinary arts would know that the temperature insensitive herbs and spices are those that do *not* lose their taste and aromatic properties upon heating and that the temperature sensitive herbs and spices are those that do lose their taste and/or aromatic properties if heated to too high a temperature. Applicants also submit that it is

known to those skilled in the art that the maximum temperature of the aqueous solution is the boiling point of water, which limits the temperature that the temperature sensitive herbs and spices are heated to.

Applicants also submit that one skilled in the culinary arts would know that it is necessary to open the package and such a step is not a necessary step in the present claims. Applicant submits that in contemporary cook books, where one or more of the ingredients are in packages, such as: one can of tomatoes, the step of opening the can is omitted from the directions.

In claims 21, 22 and 33, the limitation “the aqueous phase” has been changed to “the aqueous solution”.

With respect to claims 22, 23, 33 and 34, in the corresponding independent claim, the sequence of the steps is not limited to any particular order. These claims further limit the independent claims by defining a particular order.

In claims 23 and 24, applicants submits that the term “fresh staple ingredients” is well known and definite to one skilled in the culinary arts.

Claim 25 has been rejected under 35 U.S.C. 101. Claim 25 has been cancelled.

Claims 20, 21, 24, 31 and 32 are rejected as being obvious in view of Classic Indian Vegetarian and Grain Cooking in view of Shi, Kira and Koshida et al. Claims 22 and 33 are rejected in view of Classic Indian Vegetarian and Grain Cooking in view of Shi, Kira and Koshida et al. and further in view of GoogleGroups (Chanterelles). Claims 22 and 33 are rejected in view of Classic Indian Vegetarian and Grain Cooking in view of Shi, Kira and Koshida et al. and further in view of GoogleGroups (Garlic Chicken).

Claims 20, 21, 24, 31 and 32 are rejected as being obvious in view of Koshida et al. in view of Classic Indian Vegetarian and Grain Cooking and Shi. Claims 22 and 33 are rejected in view of Koshida et al. in view of Classic Indian Vegetarian and Grain Cooking and Shi. and further in view of GoogleGroups (Chanterelles). Claims 22 and 33 are rejected in view of Koshida et al. in view of Classic Indian Vegetarian and Grain Cooking and Shi. and further in view of GoogleGroups (Garlic Chicken).

There is no disclosure in any of Classic Cooking, Shi, Kira, Koshida et al., GoogleGroups (Chanterelles) or GoogleGroups (Garlic Chicken) of dividing the herb and

spices into a package of temperature sensitive herbs and spices and a package of temperature insensitive herbs and spices as claimed by applicant in all of applicants claims. Nor do any of these six references disclose forming an aqueous phase with the temperature sensitive ingredients and an oil/fat phase with the temperature insensitive ingredients.

Therefore, applicant submits that claims 20 through 24 and 31 through 34 are allowable over the applied prior art and requests that the rejections be withdrawn and this application be allowed.

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